

Assembly Concurrent Resolution No. 167

RESOLUTION CHAPTER 113

Assembly Concurrent Resolution No. 167—Relative to State Bar admission.

[Filed with Secretary of State September 4, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 167, Alejo. California State Bar admission.

This measure would declare that an applicant's immigration status should not be the determining factor in deciding whether to approve a license to practice law, would commend Sergio C. Garcia for his hard work and success, and would also commend the State Bar of California for its efforts to admit Sergio C. Garcia to the State Bar of California.

WHEREAS, Sergio C. Garcia was born in Villa Jimenez, Mexico, in 1977, and was reportedly first brought into the United States by his parents, without inspection by immigration officials, when he was 17 months old, and, after leaving the United States around the age of eight or nine, entered the United States again when he was 17 years old; and

WHEREAS, Sergio C. Garcia's father, who was a lawful permanent resident at the time, and who has since gained full citizenship status, filed a petition for an immigrant visa for his son on November 18, 1994, which was approved in January of 1995; and

WHEREAS, In the past 17 years, while waiting for his visa to become available, Sergio C. Garcia, in an undocumented status, went to college, attended law school, and passed the California Bar Examination; and

WHEREAS, The Committee of Bar Examiners of the State Bar of California, having reviewed Sergio C. Garcia's application, found that Mr. Garcia met all of the necessary requirements for admission to the State Bar of California, and, on November 9, 2011, based on that conclusion, submitted Mr. Garcia's name, on motion to the California Supreme Court, as an applicant certified for attorney licensure; and

WHEREAS, On May 16, 2012, the California Supreme Court issued an Order to Show Cause to the Committee of Bar Examiners as to why its pending motion for the admission of Sergio C. Garcia to the State Bar of California should be granted; and

WHEREAS, With the passage of the California DREAM Act, which allows certain youth without proper immigration documentation to apply for financial aid, California has moved toward a policy of inclusion rather than exclusion of undocumented immigrants brought into the United States by their parents as children, regardless of their authorization to work; and

WHEREAS, Developing federal executive policy echoes this policy of inclusion. On June 15, 2012, the Secretary of the Department of Homeland Security released a memorandum, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” establishing a policy of deferring removal proceedings for eligible undocumented students at the discretion of the Department of Homeland Security and allowing eligible undocumented students to apply for work permits. The Secretary’s memorandum stresses that the United States immigration laws were not designed to remove productive young people who have contributed to our country in significant ways to countries they may not even be familiar with; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature commends Sergio C. Garcia for his hard work and success in satisfying all state requirements for admission to the State Bar of California; and be it further

Resolved, That the Legislature believes that where the State Bar determines that an applicant is otherwise eligible for admission, an applicant’s immigration status should not be the determining factor in deciding whether to approve a State Bar law license in California; and be it further

Resolved, That the Legislature commends the State Bar of California for its thorough review of Sergio C. Garcia’s application, its motion for Sergio C. Garcia’s admission to the State Bar of California, and its excellent and comprehensive review of the law in the brief filed with the California Supreme Court; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the State Bar of California, and the author for appropriate distribution.